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BOOK REVIEWS

Loan and Hire. By T. Baty, D.C.L. Tokio, Maruzen Co.; London, Sweet & Maxwell. 1918. pp. viii, 178.

This little volume contains an interesting re-statement of a considerable portion of the law of bailments. It represents, as well, a sort of cross-section through the law, cutting across such subjects as contracts, torts, property, and negotiable instruments. Herein may be seen the chief defect of the book; for in such brief compass it is impossible to treat adequately the principles necessarily involved. The work is chiefly in the field of contract, and the entire first chapter is devoted to a statement of the principles governing the formation of contracts in general. In the main, this statement is exceptionally clear and accurate, and it is full of acute observations. The author discusses well the rules relating to notice of acceptance of an offer; in the matter of delivery of a written document subject to a parol condition he sees a point overlooked by many learned writers; he agrees with Holland that the operative facts are the *expressions* of consent and not the mental consent itself. At the same time, in discussing impossibility, he apparently fails to perceive that the existing legal relations are frequently outright constructions of law not based upon any consent or any expression thereof.

That the subject carries the author into the field of torts is indicated by the fact that he discusses such cases as *Allen v. Flood* [1898] A. C. 1, and *Blades v. Higgs* (1861) 10 C. B. N. S. 713; yet he gives us no introductory discussion of the principles of tort.

In *Loan and Hire* the author has chosen a *popular* subject, one that is very difficult of technical definition or analysis. A loan of goods is very different from a loan of money, but both must be treated. Furthermore, the author's legal analysis and the statement of legal principle are so clear and suggestive that it is believed he would welcome the assistance he could obtain from the system of Professor W. N. Hohfeld as explained in *Fundamental Legal Conceptions* (1913) 23 YALE LAW JOURNAL, 16, and (1917) 26 *ibid.* 710.

A. L. C.

Manual of Federal Procedure, 2d edition. By Charles C. Montgomery. San Francisco, Bancroft-Whitney Company. 1918. pp. 1222.

From the time that Desty's *Federal Procedure* was first offered to an appreciative profession, the subjects of jurisdiction of, and pleading and practice in, the Federal courts have been attractive to text writers and digesters. Since 1887, successive changes in the judicial system and the radical changes worked by the new equity rules have thrown one-time valuable books into the discard and opened the most important part of the field to re-exploitation.

The latest contribution to the highly specialized subject of Federal Procedure is the second edition of Professor Charles C. Montgomery's *Manual*. We speak of this book with feelings of great satisfaction. The first thing that strikes us is the author's sense of proportion in his outline of the subject, and the symmetrical lines on which he has developed it. No less commendable is the author's happy combination of quoted statutes and rules with annotations and commentary in juxtaposition.

The author has gathered into one volume of convenient size all the statutes and court rules bearing on the subject of procedure, at law, in equity, and in